

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Bail Appl..No. 3975 of 2007()

CMP.1913/2007 of J.M.F.C.-II, CHENGANNUR
CR.NO.61/2007 OF CHENGANNUR EXCISE RANGE
.....

PETITIONER/ ACCUSED.

SREEKUMAR, S/O.SUKUMARAN, AGED 30 YEARS,
NEDUMCHALIL, ENNACKKADU MURI, ENNACKADU VILLAGE,
CHENGANNUR.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS:

THE STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

B.A.No.3975 of 2007

Dated this the 2nd day of July 2007

O R D E R

Application for regular bail. The petitioner was allegedly found to be in possession of 1,155 litres of wash when the excise party reached the scene of crime on 23/4/2007. The petitioner took to his heels and could not be apprehended. He surrendered before the court long later on 12/6/2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner who has been continuing in custody from 12/6/2007 may, now be enlarged on bail. The learned Public Prosecutor opposes the said prayer. The allegations are serious. The magnitude of the operation may be borne in mind. The learned Public Prosecutor makes a further submission that the petitioner is a person who distributes contraband articles in the locality. In these circumstances, the petitioner may not be enlarged on bail now, submits the learned Public Prosecutor. I find merit in the opposition by the learned Public Prosecutor.

3. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

4. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge again for bail at later stage of the investigation, not at any rate, prior to 12/7/2007. The investigator shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007